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THE MIND OF THE CITIZEN

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THE CONTROL OF SUGGESTION

The course of progress is determined by two fundamentals; innate tendencies and nurture. In nurture are included all the thought-materials which are brought to one's attention or which, imbedded in environment, press upon the individual and insensibly shape his outlook. If we could once get away from all that is undesirable in the thought-world and move over into a world affording only the best suggestions and ideals, civilization would spurt forward. Ideas govern action, even putting a clamp on the strongest inherited tendencies, as witness the vows of religious orders. If the modern world could be released from archaic ideas and false notions, and in their place installed the best thoughts and finest ideals, society would undergo a swift transformation. The trouble is that we never fully succeed in clearing the decks and giving the newer thought a full opportunity. We live in the shadows of shades. Bore into the mind of the man on the seat by your side, and you will perhaps discover a flinty prejudice which could be traced back through centuries of stolid ignorance—a possession drawn out of that large fund of atavistic consciousness which science in all its pride has as yet but slightly overcome.

This control by the past is through thought-materials which come down to us in unbroken succession. Early in life one becomes saturated with sentiments and opinions, much of which mental content is from former generations. Only the more intellectual ever shake off early impressions. By the age of legal emancipation—twenty-one—the average person is stocked for life with fundamental conceptions from which he may never escape thereafter. These adopted ideas govern conduct and establish types of citizenship; they determine attitude with reference to indus-

try, science, and the state; they create deference for ancient institutions, and sanctify imposition and caste. To secure a fresh civilization—radically to change conventional ways—would be to break with former systems of thought and sets of concepts.

The ideas to which one is subjected should be those that are satisfactorily progressive. The kind of ideas determines the kind of man. The reactionary is a reflex of a system of ideas dominant at an earlier period; he, for example, looks at woman suffrage in the dim light of former periods and applies obsolescent concepts to international differences; his concepts are stationary while society is dynamic; if the world could be turned back he would feel at home; terms like *labor*, *capital*, *patriotism*, *thrift*, *business*, and *woman* have each a different meaning to reactionary and progressive.

The basic method of changing conduct is to change ideas, and a shift to distinctively modern or futuristic ideas necessitates expunging contradictory traditional concepts. The dominating ideas must be those meeting current tests, and the best ideas are usually of recent origin, for the older thought was a reflex of an older social order; a new social order implies new thought.

It is not easy to shake off tradition. The new generation is being born every hour, and the passing generation does not let go all at once. Population has flowed down the ages, and there has been a laying on of hands upon the young in more senses than one. The old order is forever indoctrinating the young with old sets of ideas. But the dovetailing of heredities is not progress-proof, and it is possible to wedge in new ideas; oftentimes, too, and fortunately, a youthful perversity leads to differences of opinion; cloyed with imitation, the child does the opposite of his instructions just to see how it will seem. The armor of tradition is not invulnerable; even in the case of individuals not of dynamic tendency a certain development of new thought is inevitable.

A slow-moving transformation of ideas may take place, but how auspicious if undesirable tradition might be more effectually blocked and if progress-favoring ideas might be sent coursing through all the channels of intelligence—if none were soaked in thought-materials false, debasing, ungenerous, and unscientific.

The controlling of ideas and suggestions to action is the battle of progress the world over. Social reconstruction involves displacing certain ideas with others.

It would be idle to expect to secure always quietly and peacefully a substitution of the new for the old, for personal advantage is derived from the dominance of tradition. The man who is drawing dividends from the ignorance of others is not likely to be enthusiastic for enlightenment. Privilege and injustice on the part of the few require a corresponding education to servility on the part of the many. So in the case of various matters in dispute between the satisfied and the dissatisfied, agreement is hopeless; only force can prevail. But outside the lines of economic warfare there may be general agreement to oppose pernicious and encourage salutary suggestion.

In cases where what seems evil to some seems good to others social quarantine can hardly be attempted, and a multitude of differences of opinion appear in relation to values; but assuming a real concurrence among the majority of thinking people with reference to the admissibility of specific thought-materials, the protection of society against undesirable suggestions is as logical as the isolation of smallpox. It is well known, for example, that the cheap novel which exploits the crudeness and crimes of desperadoes is, in the hands of boys, a most pernicious influence. Not infrequently astonishing crimes are directly traceable to the reading of accounts of brigandage, and the glorification of lawless adventurers. Society is warranted in defending itself against ideas that can have no wholesome effects or are opposed to the hopes of mankind.

The very reservoir of ideas that must be considered inimical to an ideal civilization is literature. It is a most regrettable fact that splendid geniuses of former generations lend themselves unwittingly to the defeat of the visions of the hour, even though in many cases the great writer has been in advance of his own age. Poems are frequently a source of suggestions out of keeping with modern aims. "The Charge of the Light Brigade" is an example. War is irresistibly sanctified by a type of literature which, false and misleading through omissions of circumstances, tends to attach

the highest sentiments to a brutalizing folly. More consistent with the aims of peace are Walt Whitman's "A Night Battle" and the Matthew Brady photographs of the Civil War.

The influence of the monarch-revering and laborer-despising Elizabethan play is a real force making for the persistence of states of mind not conducive to modern welfare. Early literature and history are so impregnated with socially atavistic suggestion that a new literature must batter a way for the new democracy. The more impressive pre-modern literature is to one, the more unlikely is he to be found sympathetic with the hopes of the hour. It is usual to side with the "lord of the vineyard" against the workers who objected to paying out of scale. It is important that the reactions of the youthful reader be carefully observed when perusing material which consorts ill with fairness to the Jew or implies the unworthiness of those who do physical work.

In many cases the reader seems to react but slightly to such early thought-materials and would hardly admit that he was to any extent controlled in his conduct by the suggestions received. But if not affected by pre-scientific ideas of the universe, debased conceptions of womankind, the theory of human depravity, the sanction of slavery, and race prejudice, would one be affected by any other kind of suggestions? Bad suggestions rest upon the same psychological basis as good suggestions; in either case the idea that is centered in consciousness exerts its thrust in the direction of action and modifies the emotional life. At an earlier period vivid representations of future torment gave strength to the arm of persecution and resulted in peculiar horrors. If the body be thought of as, in the words of John Knox, a "wicked carcase," and if "every prospect pleases and only man is vile," why should there be any particular attention to sanitation? The immense and cherished literature of sacred song and story includes in its conglomerate a mass of materials strictly characteristic of the mental advancement of the peoples and times of their origin, and a process of sublimation and restatement, like that represented in the new prayers of Mr. Walter Rauschenbusch, is indeed very much needed. The literary antiquarian might very properly consult accumulations of discarded ideas, but upon the extent to which outworn

social concepts are supplanted in popular thought depends the rate of modern progress. Thus the shutting of the gates against the flood of undesirable tradition assumes large importance. English courts did not permit butchers to sit on juries in capital cases; but the slaughter house is not the only source of suggestions tending to indurate sympathies and degrade conceptions of human nature.

In this connection may be noted the activities of scholars who exploit the past or reconstruct former historical periods. That certain events have happened is not sufficient reason for calling universal attention to them. The world may very well forget a great deal that has occurred; in fact we do not progress except as we shift the focus of attention to forward-looking matters. Devotion to history, unless inspired by the desire to illuminate modern life, has but limited social value in a dynamic civilization. The historical student sees objections to reforms which less informed men accomplish through unscholarly optimism. The predominance of historical elements in one's thought is of the nature of a disqualification for the attainment of post-historical ideals. If one reads the memoirs of a general of the Civil War one's mind will be given a reactionary set. Mark Twain believed that the South was greatly harmed by its admiration of the works of Sir Walter Scott.

Very likely the conviction that free speech and a free press are invaluable has tended to an indifference as to the quality of thought-materials. But there is a problem of control not at all involved in what is commonly meant by free speech and free press. Freedom of speech with reference to the organization of society is absolutely vital to political welfare, and is opposed only by interests that fear the application of the collective judgment to privileges and usurpations in political or economic power. To limit freedom of utterance in this sphere would be the equivalent of tying the arms of a man in the act of self-defense. But there is a field where interference with the dissemination of ideas is permissible. It is thought no hardship to ask the babbler to keep still while truth is expounded, or to require the noisy child to maintain silence out of deference to his elders. There would be no question of political principle involved in discouraging the popu-

larizing of materials which not only have no educational value but distinctly lower the prevailing tone of thought and speech, in a sense interfering with the freedom of a better speech and a better press. Millions are regaled morning and evening with matter consisting largely of accounts of accidents, crimes, divorce-court proceedings, details of international matrimonial alliances, and mere personal allusion. The educational system provides a relatively small number for a limited time with contact with the best ideals, but how quantitatively insignificant the efforts of the teacher of literature or ethics when one considers the dissemination of dubious thought-materials on every side. The newspaper is essentially an educational medium, and its place in the social economy is beside that of the school; the editor and the teacher are engaged in logically like pursuits, and might properly meet in the same conventions for conference; but on the other hand flat opposition of the work of the teacher and of the publisher is often pronounced. How inappropriate if students were called upon to read on a fresh Monday morning the Sunday comic supplement or the front-page report of the electrocution of a murderer. If sensational publications were held up to the ideals of high-class magazines or to the brevity, readableness, and strict accuracy and balance of the best productions of the day, society would experience a transforming force.

The theater is as certainly a factor in the education of the young as is a course of study, and there would be much propriety in holding managers to strict accountability for the kind of instruction provided. The neutralization of the work of education by maverick agencies is a social blunder. It is not sufficient that there should be censorship whose aim is merely to prevent the appearance of absolutely indecent pictures while passing thousands that are degenerative and oversentimental; positive excellence is a reasonable requirement. Just why the judicious of a nation should stand by and let the operator of the penny arcade and of the lurid film exhibit shape the outlook of millions is by no means clear. The sources of suggestion, which is the electrical energy of the intellectual world, should not be unduly commercialized, but rather given into the keeping of the best order of intelligence which society affords.

Not only should there be effort to suppress unsuitable suggestions, coming down in history and literature or circulating through the press of the day, and to make use of good example for purposes of "rational imitation," but progressives should reckon with the penetrating persuasion of assumption. It almost seems as if no logic could prevail against the air of assurance which error so often has carried, and which truth and justice might do well to employ. It is doubtful if very many people are convinced by downright demonstration; they perhaps assent, but it is only when the contagion of others' confidence is experienced that the comfortableness of conviction is achieved. Even impressive institutions rest upon colossal bubbles of unwarranted assumption whose sustaining power is none other than a sort of hypnotization. The individual is won by the air of an enterprise. To assume rather than to debate is, accordingly, a strategy of conversion. When the individual dimly senses that something has got by him and that there is a simmering of consciousness somewhere in which he does not share, and when the peculiar fear of being left behind takes hold, his responses become highly inspirited. It would thus be more efficacious to assume that unearned increment is an outrage than to argue it. There is a surprising amount of assumption in the literature of the conservative interests. Time has shown the value of this type of persuasion, and proponents of advanced ideals cannot do better than assume finality for fundamental positions, thus making fuller use of a force which may disorganize obstructionistic attitudes and habits.

The social order, so far as not inevitable, is largely a product of suggestion, whose practical aspects form no small part of the peculiar knowledge which functions in social control. The child who distracts the attention of a playmate, in the meanwhile possessing itself of a desired toy, shows in little the importance of a method familiar to politicians. The wily advocate switches attention to the acceptable family life of the culprit. Ideas planted in the right spot grow into social determinism. Suggestion is the thing. Hence the fear of the critic, and the sweeping of the horizon for the first appearance of the disturber.

There is much of a positive character to be attempted in the utilizing of the force of suggestion. The best practices and the most significant steps taken for progress in any part of the world might well be systematically called to the attention of the public. This type of constructive suggestion is illustrated in the practice of the United States Bureau of Education of sending out almost daily reports of educational progress from all parts of the nation and from abroad. The best ideas in effect anywhere are thus directed to points of possible application, and an imitation instituted which may shorten the period required for a measure of advancement. Similar efforts in other fields would tend to do away with delays in the attainment of better conditions. The advertising of good examples and the diffusing of constructive ideas should be carried on effectively through system.

The diffusion of constructive civic ideas is fundamental to social betterment. Limited reasoning and lack of creative imagination, so far as they exist, make it necessary that means be provided to reach the intelligence which do not imply mental powers above the average. Social reform requires successful appeal to the millions in whose hands rest the ballot and the ratification of programs. Everywhere arises the problem of making people understand; at this point reforms stumble and confusion begins. Kropotkin declared that the Russian peasant was capable of understanding any social principle or natural law, provided he was addressed in words of his vocabulary and the person making the explanation really knew what he was talking about. This testimony of revolutionist and scholar is indeed significant. However, it is a common experience to meet with discouragement in attempts to promote measures or to popularize unfamiliar topics, and a real association of ideas is not easily brought about. Booker T. Washington tells of a negro who was convinced in conversation of the need of substituting other crops for cotton, but when finally asked what crop he would plant answered, "Cotton." Principles agreed upon by all who give them careful and disinterested thought are slow in finding popular acceptance. Ignorance and prejudice long hold their ground. Either there are many who are unequal to taking

an intelligent part in social direction or means are yet to be devised by which latent intelligence may be generously set free for such purposes. The state of civilization reflects popular intelligence, but the full power of this rarely, if ever, is evoked.

To secure popular response with the least expenditure of energy is a desideratum. The most open avenues of influence are to be found and used, the lines of least resistance followed. The prominence of vision among the senses offers a suggestion for directness of persuasion. The clinching evidence is that one "saw it with his own eyes." Now it is evident that the voter may not see with his own eyes the elusive brigandage of monopoly or witness the progress of a ten-million-dollar battleship from the tax collector's office to the junk heap, but by a far greater resort to pictorial methods a convincing knowledge can be imparted. Literature with its roundabout symbolism is quite inferior for various purposes to the picture-writing which historically preceded it. Illustrations make a strong appeal.

Could a more extensive *picturature* be developed as a substitute for verbal symbolism the response of the average mind would be greater. Many intelligent people do not care for books, never having acquired the racially recent taste for looking at queer marks on a page and trying to make out what they are all about. Where such callousness is encountered the resort to the picture would be the most effective alternative in default of oral speech, to which likewise the picture is often superior. A picture of a case of "phossy jaw" arouses a larger response than any amount of verbal statement. The public will react to a suitable stimulus—it cannot help it—but the stimulus must be one which conforms to mental laws. It would be well to photograph every social maladjustment by way of argument. Unfortunately, from some points of view, there are more authors than artists, and cameras cost more than pens and ink. A rogues' gallery of modern evils, supplemented by constructive suggestions pictorially represented, would have possibilities. Indeed, extensive use is made of the pictorial, but a larger and more convenient presentation of this kind of material is feasible.

There are limits to the effectiveness of pictures for social education, but it would appear that their possibilities have been over-

shadowed by the use of print. The picture method is vastly more elemental and forceful, and might be adapted to evoke popular responses for which the symbolism of type is ineffectual. True, no elaboration of the pictorial could ever carry the subtle and the associational so successfully as words, but the distinction between the eye-minded and the thinker in abstractions and principles may well be taken into account. In fact a stage may be reached where the illustration becomes even a slight impertinence, the statement of a principle carrying the highest degree of conviction; but under the conditions of the day there is need of presenting truths in such telling form that efforts for social welfare be based as broadly as may be upon the consciousness of a public differing widely in mental content and capacity. The formal treatise and the philosophical exposition have their peculiar value but the limited market for books that are "dry" is evidence of a rather permanent division in the interests of the reading public, while to the non-reading public the specific case and the visual argument are the principal recourse. The instant response of millions to the moving picture creates a suspicion that the propaganda of reform has quite too fully relied upon a relatively unpopular method—that of printed or spoken arguments. The same forces of perception and emotion which now so often go to waste in attention given to distressingly weak subject-matter at the cheap-show place might, if applied to social ends, work in brief time advancement which otherwise would require centuries. A very extensive redirection of human forces, which so richly abound and which so often flow aimlessly to waste, is practicable. One is frequently surprised at the quickness with which a desirable thought will take effect. Control images, and civilization may be made to approximate any ideal.

After the actual picture is the word-picture. The economy of brief statement and striking phrase is recognized in advertising, and the joy of discovering a suitable slogan is known to campaign managers. Brevity and imagery characterize the statement on which reliance is placed to secure results in dividends and votes. The spury nature of the commercial and political war cry, while, like the "tiresome paradox," no source of lasting enjoyment, is adapted to a flickering attention and to the piecemeal and

discontinuous character of consciousness in modern life. Brevity is a legitimate consideration, and headline logic must play an important rôle in social reconstruction. For example, "Idle lands for idle hands" perhaps could hardly be improved upon as crystallizing the arguments against the present land tenure of England, and "Votes for women" has a telling effect.

To be sure, the slogan is not without its drawbacks; for every slogan there may be a counter-slogan, and the reasoning process is by no means obviated; however, the succinct presentation of issues conduces to their profitable consideration, and indeed when a position is not susceptible of direct and simple statement it is possibly untenable. A claim to privilege which might be made to seem reputable if glossed in two hours of oratory may be routed by a single "bomb shell" of rejoinder or a clarifying characterization. The art of divesting an issue of irrelevancies and of presenting truth naked and unashamed is one of real respectability.

There is economy in appealing in familiar terms. To bring about improvement by novel proposals is difficult, but when the new comes in familiar guise resistance is greatly lessened. The tendency is to adapt rather than invent, to modify rather than change abruptly. Merchants retain good-will by leaving up their predecessors' signboard or incorporating under a dead man's name. Labels must be satisfactory. New England was no doubt peopled the more readily because of its compromise designation. Political leaders know the advantage of adapting old names to new organizations. New journeys must be made by seeming to follow old routes where the familiar guide boards stand. It would be easier to arrive at federal banking through the postal savings bank than by a more direct route. To do away with private express companies by the gradual expansion of the parcel post would be more practicable than to seek this result at a step. The free feeding of school children could hardly come before the free supplying of mental pabulum in the form of community-owned textbooks, and before that the community-paid instructor. The advance toward the ideal social state is a matter of slow campaigns, with the band playing "Hail Columbia" instead of the Marseillaise. The thoroughgoing theorist cannot convince the public, for progress

is made by short, tentative steps which do not require a high degree of vision, and by seeming to follow familiar paths.

THE LEGAL MIND

The psychology of the bench and bar is especially important because of the large part played by the courts in shaping civilization. The United States is virtually under a commission form of government, the commission consisting of the federal Supreme Court. The power of the judiciary is immense and determinative. And when we group bar with bench the character of prevailing mental states becomes a matter of great importance. Attorneys are of a type with judges, and the legal mind has marked characteristics.

Law represents a continuity with the past like that of few other occupations. The lawyer's training harks back to early English and Roman law. Of much influence is the study of cases, of varying antiquity or recency, from which points of view are derived and bearings established, and by which the mind is shaped into conformity with legalistic ideals. The full force of legal tradition is brought to bear, both in schools of law and through association with the elders, upon the naked natures of young men and a distinct mentality results, characterized by logical structure, responsiveness to tradition, subtlety, and sociological finality.

Compare, for example, the training of the student of science with that of the law student. The former is led to believe that experimentation is the key to truth, and the older a textbook the less authoritative is it regarded. Ideas are discarded with actual fervor, and stiff orthodoxy is impossible. In scientific learning the spirit is that of progressive adjustment; in law this spirit is not dominant—quite the reverse. Indeed, the weight of tradition in the law gives the legal mind a quality which tends to freeze society into static conditions. Emphasis upon the application of rules to social problems does not accord with forward-looking tendencies. The rôle of remembering how things have been done and of striving to apply possibly inappropriate rules to current affairs limits outlook.

What is perfectly possible may be legally impossible, and what is legal may to the layman appear unreasonable. Rules of evi-

dence have wandered so far from rationality that young attorneys are advised not to try to see the reason for some of them but to remember them as they are. In a recent case in Chicago a witness was told that he could not qualify his answers but must answer yes or no, whereupon he refused to testify. Now in the real world to qualify an answer is often in the interest of truth, as witness the query "Have you left off beating your grandmother?" But in the other world—the legal—this is evidently not permitted. In the non-legal world the misspelling of a word is condoned, and the omission of an unimportant word attracts little attention, but the Supreme Court of Missouri found that the omission in an indictment of the word "the" from the phrase, "against the peace and dignity of the state," was a fatal one. A corporation is a person, without a body, so there is no body to imprison, and therefore let the state refrain from slapping non-existent wrists for corporate crimes. One must indeed renounce the world as he knows it in order to attain the legal cosmos. The real world and the judicial world conflict the moment one brings social and moral ideals into the atmosphere of the law; a professor of law once remarked to his students, "You are here not to learn what the law ought to be but to find out what the law is."

Possibly the root of such opposition of law to progress is in the attempt to reduce to settled concepts a social flux. The notion that law is a science—in the sense in which physics or chemistry is a science—is misleading, and to apply the word science to a subject-matter consisting, under progressive conditions in society, of transient expedients and adjustments and half-way places introduces error. Hydrogen, two parts, and oxygen, one part, form water; but rage and a butcher knife do not equate perfectly with fourteen years in a penitentiary. Seeming inconsistency is not incompatible with justice. Rules are properly subordinate to discrimination. But it is objected that with discretion enthroned no one would know the law; but who knows it now?

The fixedness of the law is its undoing. It is not from an earlier social order that we should seek guidance for present relationships; moreover various legal positions and doctrines have the dubious ancestry of privilege. Only such former decisions as are approved

by modern thought have any authority—and these merely through the accident of concurrence. Cases should be subjected to fresh thought and their disposition be made to square with present standards. The law is not more reputable than the circumstances of its origin, reflecting, it may be, the unjust power of lords of manors, holders of royal patents, owners of sailing vessels, masters of servants and apprentices, and husbands: The discord between ethics and “what the law allows” is notorious. Even the ideal of one law for the poor and the rich is open to criticism. What fairness, for example, in applying the same anti-trust law to grimy and poverty-stricken coal miners and to a billion-dollar monopoly? Worthy judges are not rare; but to the extent of their excellence they dare excursions into the world of today and tomorrow.

The type of learning most needed in the administration of justice is that represented by the social sciences, especially those applications of sociology which deal with actual conditions among laborers, wives, children, and other classes. The recent recommendation of the American Bar Association that law students be required to pursue the study of psychology indicates an awakening; for the examination of witnesses is rather a matter for a psychological clinic than for denunciation and oratory. In fact, oratory and tradition have conspired to render the legal profession, with its nearness to legislation, especially in the United States, an obstacle to public welfare. The striking progress in government in New Zealand has been explained as being due in part to the almost total absence of lawyers from the parliament of that country. A fresh view of human possibilities is a high qualification for service in a legislature. To serve at important points in the administration of justice, would it not be well to seek men and women who have followed the advice of former Judge Gaynor and thrown away law books for the reading of Browning? The presence of “lay judges”—to represent a saving ignorance of law—provided such were to consist of eminent publicists, sociologists, educators, journalists, and social workers, men and women, would prove a corrective.

Moreover, conditions prevailing in courts do not lend themselves happily to actual justice. Litigants are aggressive, and

attorneys are not engaged to report after the manner of the scientific investigator. When ingenious and hardened advocates are fabulously financed to circumvent justice when necessary for private advantage, and when successful subterfuge reacts to the fame of the advocate, there is real confusion. Not thus are scientific issues resolved. The attorney should be a real officer or agent of the court, paid by society. The pronounced forwardness on the part of retained attorneys is an impertinence. The German system of people's courts without lawyers represents a triumph of method, and the recently established lawyerless courts of Kansas afford profitable suggestions.

Prejudiced advocacy, characteristic of the bar, is not confined to the courts, but in part through legal example perverts behavior elsewhere. Thus the college debating team elects as its aim, not the impartial revealing of the merits of an issue, but rather the adroit presentation of "one side" of a question, and to beat the opposing group of advocates is the prime consideration. In the course of such partisan strife the truth may be forced out—but not for its own sake with the consent of either team. From the standpoint of veracity better than all debates be banished, and in their place even the feeblest soliloquy in which issues would not be treated speciously. To hold a brief is disreputable in scientific circles, for it does not conduce to the whole truth.

In various ways the courts and the legal profession are allied with reaction. Within their spheres of freedom the choices are usually in favor of things as they are. They oppose change. The preponderance of tradition, evidenced in legal ideals, practice, and reasoning, presents an acute problem in the psychology of habit, and to the effective rupture of such bonds to an earlier social order the spirit of the age in some way must address itself.

Courts may be dislodged, through the recall of judges or of decisions, from their position of ultimate influence upon legislation and social welfare, or on the other hand a system of training judges and attorneys might be installed which would modify the obstructionistic nature of the law, doing away with antiquated concepts, sacred rituals, and deteriorated wisdom. The socializing of the lawyer's functions as in the public law office of New Zealand, where

the citizen may secure legal advice from a state-paid official, is desirable. Today, under the system of fee-taking, the average citizen is not quite sure whether the lawyer is a curse or a blessing. The bulwarks of privilege and social atavism represented by the legal mind should be razed in order that the modern spirit may find freer expression. The diversion and unworthy devotion of talents appearing in the retaining of a swarm of the keenest minds in the service of predatory wealth—essentially in a battle against the poor—represents an impressive miscarriage of a mentality which should be harnessed to social welfare, and creates a condition against which the more idealistic of the legal profession must ultimately rebel.

Lawyers need a thoroughly modern education, which means that they should not study much law. They need to get the biological or evolutionary point of view, to conceive of society as on the way to being different. The authoritative solemnity of the legalist needs to be mitigated; justice does not reside in the breasts of judges unless judges look upon life unfettered by tradition. There is a better intelligence than that represented by the law. There is a valid idealism which is everywhere blocked by legalism. It is unfair to measure the intelligence of a people by their institutions provided a tradition-revering type is in a position to apply a strangle-hold on new thought through power to interpret and to pass on the constitutionality of laws. With government thus subject to the legal mind, popular intelligence cannot function happily.

The legal point of view is seen in the citizen who opposed experimental legislation. To experiment in affairs of state is regarded as objectionable, and to style a measure an experiment is intended as an argument in opposition. From a scientific point of view this aversion is an anomaly. Why should there not be experimentation in social administration? There is a suspicion that objection is often from fear lest novelty should prove a success, to the abatement of privilege; but quite aside from selfish strategy there is no doubt a real opposition or indifference with reference to the adoption of laboratory methods in civic affairs.

To be sure, the subject-matter of society is less amenable to convenient experimental treatment than are acid soils or guinea

pigs; even so, the spirit of social invention should find a legitimate field for operation. The dissection of dead societies, like the dissection of dead bodies, presents fewer difficulties, but is also less illuminating than a study of living forms. No study of history could be so profitable as the observation of social reactions under experimental conditions. Whenever an opportunity presents itself gratuitously for a study in government, be it the recall of judges in Arizona or the single tax in cities of the Canadian northwest, let the most be made of it. Indeed, let it be urged as a reason for proposals that they are experiments. That the light of the past should be the only guide is a confession which in the field of science would discredit the proclaimer; the light of theory and trial is also a strong light.

A desire for repose and a settled order no doubt contributes to the feeling that there should be no tinkering with laws. New measures are adopted with hesitation, and a common attitude of mind is that a measure, once accepted, should remain unchanged. The proposal to limit legislative sessions to rare intervals seems quite opposed to the spirit of experiment; for would it not be best that legislatures remain in session and thus be enabled immediately to push the tiller?

A vast amount of futile talk would be displaced by the simple expedient of trying proposals for improvements in civic administration; there would be less occasion to "view with alarm" if it were commonly accepted that in case an experiment turned out poorly there should be a return to practice. Does the abolition of capital punishment in one state increase murder therein as against another state in like circumstances? Let an experiment be tried to find out. It is better that a homicide should live than that doubt should exist. Is the commission form of government applicable to states? We should rejoice if a given state has the seeming temerity to try it. An experiment could not be less undesirable than uncertainty. Would votes for women "ruin the home"? Observation should decide, not speculation. Is a two-cent rate on railroads confiscatory, or even a one-cent rate? The answer is, Try it. Would the country go to the dogs if life insurance were offered by a commonwealth? We should indeed

be appreciative of the spirit of progress which gains for Oregon, Wisconsin, and New Zealand the reputation of being experiment stations in government. It would be better that Congress should guarantee against want the owners of the steel trust than that doubt should remain as to the necessity of a duty to protect its products. Let us gather the facts even as truth is sought in the laboratories of the chemist and the bacteriologist. It is to be expected that when benzoate of soda, under a pure-food law, becomes a political rather than a chemical term, self-interest will oppose and confuse; but there is no good reason why a few should be allowed to block attempts to find the best ways of doing things. Possibly the great advances in natural and physical science have come about so readily because of the negligibility of the cross-fire to which scientists have been subjected. In case of governmental experimentation, however, there is present the bad boy of big business to break the microscopes and spill the cultures of tentative reform. But the inductive method is a rock and refuge.

The device of permissive laws would be useful in introducing novelty. Let the people of a civil division be at liberty to experiment. The terms of a law may be made to apply at the discretion of those concerned.

The spirit of experimentation characterizes some occupations rather than others, and the advantage of having legislation, so far as it is conducted by chosen bodies, directed by men and women of known progressiveness occurs to one. The dead hand of tradition holds reins which should be held by individuals accustomed to methods of investigation and discovery and familiar with hypothesis. Indeed, a bureau of social engineers might well be established to make novel proposals, which, upon popular ratification, would promote welfare by demonstration. Experimentation should be utilized in the field of social developments, for it is one of the strongest aids of mind. The inductive method may well be applied to government, and the spirit of the scientist and the seeker after truth be made to supplant the widely diffused mild horror of social experimentation.

[To be continued]